

MONTANA LEGISLATIVE HISTORY

Chapter 312 19 74

Bill H 999 S _____ Original bill & history C

H. Committee on Public Health, Welfare S. Committee on Judiciary

Hearing Date(s) 2-2 ✓ C Hearing Date(s) 3-1 ✓ C

2-5 ✓ C 3-6 ✓ C

2-7 ✓ C _____ C

_____ C _____ C

Date Out _____ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

1974 house

PUBLIC HEALTH, WELFARE COMMITTEE
& SAFETY
 43rd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
999	Redefine circumstances under which a minor may validly consent to receive medical or surgical care.	1/18/74	2/2/74		2/7/74	DO PASS AS AMENDED	
1013	DSRS purchase sheltered employment services &/or work activity services for severely handicapped persons	1/18/74	2/12/74		2/19/74	DO PASS AS AMENDED	
1003	Make available to a woman who requests an abortion, at least 2 sessions w/qual.counselor.	1/18/74	2/2/74		2/11/74	DO PASS AS AMENDED	
1028	Allow Regional Board to retain all fees received for treatment of patients under community mental health svcs program	1/18/74	1/29/74		1/29/74	Motion to transfer bill to Finance and Claims Committee	
1035	Require that all legally performed abortions in state be reported to Dept.of Health & Env.Sci	1/18/74	2/2/74		2/14/74	DO PASS AS AMENDED	
1053	Create Board of Sanitarians; regulating & licensing sanitarians; provide a penalty.	1/18/74	2/9/74		2/19/74	DO PASS	

these services, and he proposed some amendments, which are attached. He said he was concerned with what revolves around the interpretation given to the word "administration" the lack of statement in the bill which provides protection for those who are able to generate funds. Mr. Bill Leary, Montana Hospital Association, spoke in support saying the Department of Health was the logical agency to administer these services. Mr. Pat Wyse, ambulance driver, Conrad; Ward Hamlin, State Red Cross; and Mr. Curt Wheeling, Dept. of Administration, also spoke in favor of the bill.

HOUSE JOINT RESOLUTION #65 -- SPONSOR: Rep. Tom Rolfe. This bill requests the federal government to consider Montana separately rather than group it with the larger populated areas when considering automobile pollution controls and speed limits. Montana does not have the same problem with pollution as those larger areas, and we should not be considered under the same rules and regulations. He submitted a petition signed by East Helena residents who had heard of the bill and collected the signatures independently. Rep. Rolfe said the 55 m.p.h. speed limit is obviously creating a hardship because of the long distances in Montana and small populations. Rep. Bud Lien also spoke in support of the bill. When questioned, Rep. Rolfe said he, as an automobile dealer, could not remove pollution control equipment from a car, but an individual could.

HOUSE JOINT RESOLUTION #67 -- SPONSOR: Rep. Gary Marbut. This bill requests the Committee on Priorities to assign a study concerning coordinating and providing child development programs. He said the thrust of the resolution is to study these services to see if there is a more efficient and organized way to lower cost and be more beneficial. Mr. Ken Rohyans, executive director, Montana Association of Retarded Children, said these services are presently fragmented in Montana. Mr. Jim Pippard, Director, Community Coordinated Child Care Unit, said that we must consider the magnitude of the children that are being served and also those that are left out because some of them do not qualify to be served but need to be.

HOUSE BILL #1035 -- SPONSOR: Rep. Larry Fasbender. He said he was not asking that confidentiality be divulged, but that the number of and location of abortions be reported. He proposed an amendment on line 16, after the word "necessary" by deleting the words "for accurate reporting". Mr. John Wilson, state registrar of vital statistics, said reporting of legal abortions performed in Montana was desirable for medical and demographic reasons. In his testimony--attached--he submitted a draft of a form which might be used to collect information and pointed out that identification of the patient was not required. Mr. Wilson said the costs for an abortion reporting system would be minimal--an estimated \$2,500 for the first year of operation and less for subsequent years. Since this was not included in their present budget, an appropriation would be needed. **OPPOSITION:** Mr. Chad Smith, Montana Hospital Association, said they were not opposed because the statistical information would be valuable, and proposed an amendment to line 14, after "report" by adding "shall be submitted annually and". Mr. Wilson proposed to amend that to read "quarterly"; Mr. Smith agreed.

HOUSE BILL #999 will be deferred until Tuesday. Meeting was adjourned.

Bessie Long
Secretary

Bob Lee
Bob Lee, Chairman

February 5, 1974

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the Public Health, Welfare and Safety Committee was held Tuesday, February 5, 1974, at 10:30 a.m. in Room 428A with Chairman Bob Lee presiding. All members were present, except Rep. Hall, who was excused.

HOUSE BILL #999 -- SPONSOR: Rep. Gary Marbut. He introduced Dr. John Anderson, Director, Dept. of Health & Environmental Sciences, who said this bill clarifies the existing situation regarding air pollution permits. He said it was not administratively possible to do these permits in 90 days unless they already had all the necessary information. This bill allows them to start counting the days when all the information is ready--it gives them between 90 and 120 days. Mr. Ben Wake, administrator, Division of Environmental Sciences, explained the necessity for an extension of days and answered questions from the committee. Rep. Turner questioned whether we would be allowing an indefinite amount of time for the department to handle these permits.

HOUSE BILL #999 -- SPONSOR: Rep. Gary Marbut. He introduced Mr. Jerry Loendorf, Montana Medical Association, who said the general purpose of the bill is to provide hospital and medical care for minors who might not otherwise receive it, sometimes without the consent of parents or guardians. This act will broaden the health care to be furnished by hospitals and clinics to a minor in Section 1. He said one question has been "who will pay for this expense?"--the responsibility will be the minor's and not the parents or guardians. He submitted some minor amendments, which are attached. Mr. Chad Smith, Montana Hospital Association, said they were in support of the principle of the bill, but found a number of areas that need mechanical correction. He said they had some amendments, but they were not ready and would be available to the committee on Thursday.

HOUSE BILL #596 -- SPONSOR: Rep. George Turman. He handed out an alternative bill which makes essential the tailoring of the Montana situation and provides that only emissions of sulfur oxides in excess of the standards be taxed. He introduced Mr. Richard Klinger, Attorney for Environmental Quality Control--statement attached. He stressed that HB #596 is not a full-blown pricing system--it is a straight charge against polluters to force them to internalize the costs of damage to the air resource. He said there are few stationary sources of sulfur oxide emissions in Montana. HB #596 would enable the Health Department to create an exemption for those facilities emitting inconsequential amounts of sulfur oxides. Mr. Ben Wake, director, Environmental Sciences Division, submitted charges which demonstrate the procedures that certain emitters use to use the "sky as a sewer". He said this bill would encourage people to develop and install processes to control pollution which are best. He added that though growth and degradation are inevitable, there are steps to remedy that growth. Ms. Joy Brucic, League of Women Voters, said that her organization feels that the charges must be set high enough so that it will be profitable to curtail pollution emission rather than to continue to pollute. Her statement is attached. Mr. Tom France, Environmental Information Center, spoke in support of the bill. **OPPOSITION:** Mr. Bob Corette, Montana Power, said the bill is unconstitutional because the legislature cannot delegate to a department, the power to tax. This bill gives the power to sidestep enforcement and, in effect, fine

HOUSE BILL NO. 999

MR. CHAIRMAN:

I move to amend House Bill No. 999 as follows:

1. On page 2 in line 21, by deleting the word
"meets" and inserting in lieu thereof the words, "professes
or is found to meet"

2. On page 3 in lines 10 and 11, by deleting
the words, "as the provider of the health service" and by
inserting in lieu thereof the words, "for treatment"

3. On page 5, in line 9 by deleting the period
and inserting in lieu thereof the following: "; or"
and by adding the following paragraph:

"(e) The hospital desires a third party commitment
to pay for services rendered or to be rendered."

4. On page 5 in lines 10, 11, 12 and 13 by deleting
the following: "such information shall be given to the
minor's parent, parents or legal guardian only when the
minor consents or when because of the minor's age or
condition the attending health professional can reasonably
presume such consent."

5. On page 8 in line 25, by inserting after the word "facility", the following: "or employee thereof"

6. On page 9 in line 5, by inserting after the word "facility" the following: "or employee thereof"

7. On page 9, by adding as a new section the following:

"Section 6. As used in sections 69-6101, 69-6102 and 69-6104, R.C.M. 1947, the term 'health professional' shall mean a physician, psychologist or psychiatrist licensed to practice in Montana."

AMENDMENTS TO HOUSE BILL 999

PROPOSED BY THE MONTANA MEDICAL ASSOCIATION

Delete the words, "and nicotine" on line 10, page 3.

Delete the words, "and nicotine" on line 21, page 5.

Delete everything after the words and figures "requirements differ." in line 9 of page 7, and delete lines 10 through 16 on page 7 in their entirety.

Delete everything after the word and figure "damage." in line 24 on page 7, and delete line 25 on page 7 in its entirety, and delete line 1 on page 8 in its entirety.

Delete the words "if two physicians agree on" from lines 10 and 11 on page 8 and substitute in lieu thereof the words "if a physician determines". Also delete the word "to" from line 11, page 8 and substitute in lieu thereof the word "should".

Delete the word "they" from line 1, page 9 and delete lines 2 and 3 of page 9 in their entirety.

HOUSE BILL #999 -- Rep. Marbut moved that HOUSE BILL #999 BE AMENDED AND DO PASS. Motion carried with Reps. McKittrick and Yardley abstaining.

HOUSE JOINT RESOLUTION #65 -- Rep. Marbut moved that HJR #65 DO NOT PASS. Rep. Brown moved a substitute motion that HJR #65 DO PASS because he felt that a small portion of the United States affects the emission controls and Montana should not be included in it. Rep. Turner agreed. Motion that HJR #65 DO PASS failed with Reps. Asbjornson, Brown, Healy, Jones, and Olson voting no. Motion that HJR #65 DO NOT PASS carried.

HOUSE JOINT RESOLUTION #67 -- Rep. Marbut moved that HJR #67 DO PASS. Motion carried unanimously.

Meeting was adjourned.

Bob Lee
Bob Lee, Chairman

Bessie Wong
Bessie Wong, Secretary

WITNESS STATEMENT

Name CHAD SMITHDate 2-2-74Address Box 604 HelenaSupport ? Representing Mont. Hoop Assn.Oppose ? Which Bill ? Amend ?

Comments:

HB 999 - amend

HB 1035 - amend

PUBLIC HEALTH, WELFARE, ~~CONSUMER~~
AND SAFETY
43 rd LEGISLATIVE SESSION 1973

[illegible]

1974 Senate

43RD LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE AS	CONC. IN AMENDED DATE	BE NOT CON- CURRED IN DATE
999	2/16	3/1, 3/6	3/6						3/6	
1003	2/21	3/1, 3/6	3/6				3/6			
1009	2/15	2/28, 3/6	3/6				3/6			
1016	2/22	2/26, 3/6, 7	3/7						3/7	
1017	2/22	2/27, 3/6, 7	3/7						3/7	
1021	2/22	2/26	2/26				2/26			
1024	2/25	3/1, 4, 6	3/6							3/6
1026	2/18	3/1	3/1				3/1			
1035	2/21	3/1, 3/7	3/7							3/7
1041	2/14	3/4, 3/7	3/7							3/7
1054	2/4	2/28	2/28							2/28
1060	2/5	2/22	2/22				2/22			
1073	2/16	2/26	2/26						2/26	
1080	2/27	3/5	3/5							3/5
1085	2/16	3/5	3/5							3/5
1090	3/4	3/6	3/6							3/6
1101	2/22	2/28, 3/6	3/6, 7						3/7	

(Use Separate Sheet for Senate, House Bills, and Resolutions)

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE SENATE

March 1, 1974

The meeting was called to order by Senator McKeon, chairman, at 11 a.m. in Room 404 of the Capitol Building.

The following bills were heard:

HB 999
HB 1003
HB 1024
HB 1035

HB 999--Witnesses appearing on the bill:

Representative Gary Marbut, District 18
Jerome Loendorf, Montana Medical Association
Dr. Steven Kairys,
Dr. Kedrely, Child's Clinic

Rep. Marbut, sponsor, said that pediatricians from different medical groups were concerned about medical care being denied to minors because consent was unattainable.

Mr. Loendorf said this bill was drafted from a model act, defining which cases would be treated without consent of a guardian or relative. The present laws permits medical care only in cases where the minor is married, pregnant or has V.D. Section 1 of HB 999 would add more to this list. Section 2 would give discretion to the doctor in informing the parents, and Section 3 delineates the financial problems. Section 4 provides for emergencies, and special situations as follows: 1) Treatment may be given without compensation if there is a possibility of death or physical disablement; 2) treatment in cases of an accident; 3) consent does not apply to sterilization; and 4) the doctor is held responsible for any negligent acts, but may refuse service to a minor.

Dr. Kairys said this bill would enable more health care to minors. (ATTCH)

Dr. Kedrely said that more problems are becoming eminent in younger people where they cannot consent with the parent, such as cases of drug abuse and psychological problems stemming from negative feelings of the parents. In these cases, they cannot confide with the patient if they must also confide with the parents. There are many cases that demand immediate attention, where the parents are not available.

Rep. Marbut requested one amendment on page 9, line 18, after the word "psychologist", by inserting", or osteopaths". He further stated that the minor would not be held guilty if he were to give the doctor the wrong diagnosis.

Committee recommended to hold this bill.

HB 1003--Witnessess appearing on the bill:

DATE MARCH 1, 11 a.m.

COMMITTEE ON

INDEX

BILL NO.

VISITOR'S REGISTER

[illegible]

DATE 3/1/11 a.m.

COMMITTEE ON

JUDICIARY

BILL NO

VISITOR'S REGISTER

[illegible]

**MINTUES OF THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE SENATE**

March 6, 1974

The meeting was called to order by Senator McKeon, Chairman, at 11:00 a.m. in Room 442 of the Capitol Building.

THE FOLLOWING BILL WAS HEARD: HB 866

HB 866--Witnesses appearing on the bill:

**Rep. Dan Yardley, Livingston
Carron C. Blend, Supt. of Public Instruction**

Rep. Yardley, sponsor, said that on an adverse appeal in a school matter, this bill would allow additional information to be obtained. This information would be obtained by an affidavit. This bill also places a 60-day limitation on the appeal, which gives finality to the superintendent's decision. This jurisdiction is not in the present law. Mr. Blend spoke in support of the bill.

SENATOR TURNAGE MOVED THIS BILL BE CONCURRED IN; SECONDED BY SENATOR GILFEATHER. MOTION CARRIED UNANIMOUSLY.

THE COMMITTEE DISCUSSED THE FOLLOWING BILLS:

HB 160	HB 721	HB 1017
HB 473	HB 875	HB 1024
HB 528	HB 901	HB 1035
HB 542	HB 943	HB 1090
HB 672	HB 965	HB 1101
HB 682	HB 999	SJR 69
HB 719	HB 1003	HJR 66
HB 720	HB 1009	

HB 160--SENATOR DRAKE MOVED THIS BILL BE NOT CONCURRED IN; SECONDED BY SENATOR HARRISON. MOTION CARRIED UNANIMOUSLY.

HB 473--Senator Turnage introduced amendments to the bill which deleted all the material after the enacting clause, and inserted new material as per standing committee report.

SENATOR DRAKE MOVED THE AMENDMENTS BE CONCURRED IN; SECONDED BY SENATOR TURNAGE. MOTION CARRIED UNANIMOUSLY.

SENATOR TURNAGE MOVED THE BILL BE CONCURRED IN AS AMENDED; SECONDED BY SENATOR DRAKE. MOTION CARRIED UNANIMOUSLY.

HB 528--SENATOR TURNAGE MOVED THIS BILL BE NOT CONCURRED IN, UNDER THE STIPULATION THAT IT BE PLACED INTO AN INTERIM STUDY BY WAY OF A RESOLUTION; SENATOR DRAKE SECONDED. MOTION CARRIED UNANIMOUSLY.

HB 901--SENATOR BOYLAN MOVED THIS BILL BE NOT CONCURRED IN; SECONDED BY SENATOR ROMNEY. MOTION CARRIED UNANIMOUSLY.

HB 943--SENATOR BOYLAN MOVED THIS BILL BE NOT CONCURRED IN; SECONDED BY SENATOR DRAKE. MOTION CARRIED UNANIMOUSLY.

HB 965--Senator Turnage said that this bill had some geographic problems. He said that it would have to comply with all local requirements before they would be able to condemn the land on state standards. He said he would agree with uniform standards, and felt that this was not uniform.

SENATOR HARRISON MOVED THIS BILL BE NOT CONCURRED IN; SECONDED BY SENATOR TURNAGE. MOTION CARRIED.

HB 999--SENATOR TURNAGE MOVED TO AMEND SS 2, PAGE 9, LINE 9, BY STRIKING SS 2 IN ITS ENTIRETY; SENATOR DRAKE SECONDED. MOTION CARRIED. He did not feel the child should be held responsible for giving misinformation if he didn't really know what he was talking about.

SENATOR DRAKE MOVED TO AMEND SS 4, PAGE 3, LINES 15-23 BY STRIKING THIS SECTION IN ITS ENTIRETY; SECONDED BY SENATOR TURNAGE. MOTION CARRIED.

SENATOR TURNAGE MOVED THIS BE CONCURRED IN AS AMENDED. SECONDED BY SENATOR DRAKE. MOTION CARRIED.

HB 1003--SENATOR DRAKE MOVED THIS BILL BE CONCURRED IN; SECONDED BY SENATOR BOYLAN. MOTION CARRIED UNANIMOUSLY.

HB 1009--SENATOR TURNAGE MOVED THIS BILL BE CONCURRED IN; SECONDED BY SENATOR HARRISON. MOTION CARRIED UNANIMOUSLY.

HB 1017--Senator Turnage said that he still had a question on the "grandfather clause". Senator McNamer questioned the acreage limitation, and the general consensus of the Committee was to set it at less than 20 acres.

The Committee recommended to hold the bill pending amendments.

HB 1024--SENATOR HARRISON MOVED THAT THIS BILL BE NOT CONCURRED IN, UNDER THE STIPULATION THAT IT BE PLACED INTO AN INTERIM STUDY BY WAY OF A RESOLUTION; SENATOR DRAKE SECONDED. MOTION CARRIED UNANIMOUSLY.

HB 1035--HOLD IN COMMITTEE

HB 1090--SENATOR DRAKE MOVED THIS BILL BE NOT CONCURRED IN; SECONDED BY SENATOR HARRISON. MOTION CARRIED UNANIMOUSLY.

HB 1101--SENATOR GILFEATHER MOVED THIS BILL BE CONCURRED IN; SECONDED BY SENATOR HALL. MOTION FAILED

SENATOR TURNAGE MOVED THIS BILL BE NOT CONCURRED IN; SECONDED BY SENATOR HARRISON. MOTION CARRIED.

ROLL CALL

SENATE JUDICIARY COMMITTEE

SECOND HALF - 43rd LEGISLATIVE SESSION 1974

Date: 3/6/74
11:30

NAME	PRESENT	ABSENT	EXCUSED
Luke McKeon	✓		
Pat Gilfeather	✓		
Paul Boylan	✓		
Mrs. Boots Hall	(late) ✓		
Miles Romney	✓		
Glenn Drake	✓		
Tom Harrison	✓		
Jim Moore			✓
Jean Turnage	(late) ✓		

and sudden illness is a tragedy that can and must be eliminated. The development of an emergency medical services program is in the interest of the social well-being and health and safety of the state and all its people.

Section 2. There is a new section to be numbered 69-7002, R.C.M. 1947, which reads as follows:

69-7002. Emergency medical services program — duties of department. The department of health and environmental sciences shall establish and administer an emergency medical services program. The department is authorized to confer and cooperate with any and all other persons, organizations and governmental agencies that have an interest in emergency medical services problems and needs, and the department is authorized to accept, receive, expend and administer any and all funds which are now available or which may be donated, granted or appropriated to the department of health and environmental sciences. The department of health and environmental sciences and the department of inter-governmental relations, highway safety division and other interested departments or divisions, shall develop in writing a mutually agreeable plan of cooperation, so that governmental effort will not be duplicated and governmental resources will be applied on a reasonable priority basis.

Approved March 26, 1974

CHAPTER NO. 312

AN ACT TO REDEFINE THE CIRCUMSTANCES UNDER WHICH A MINOR MAY VALIDLY CONSENT TO RECEIVE MEDICAL OR SURGICAL CARE, AND TO AMEND SECTIONS 69-6101, 69-6102, 69-6103, 69-6104, AND 69-6105, R.C.M. 1947.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 69-6101, R.C.M. 1947, is amended to read as follows:

"69-6101. Consent of minor for health services — when valid. The consent to the provision of medical or surgical care or services by a hospital, public clinic, or the performance of medical or surgical care or services by a physician, licensed to practice medicine in this state *may be given by a minor who professes or is found to meet any of the following descriptions:*

(1) *A minor who is or was ever married, or has had a child, or graduated from high school, or is emancipated; or*

(2) *A minor who has been separated from his parent, parents, or legal guardian for whatever reason and is supporting himself by whatever means; or*

(3) *A minor who professes or is found to be pregnant, or afflicted with*

any reportable communicable disease including venereal disease, or drug and substance abuse including alcohol. This self-consent only applies to the prevention, diagnosis, and treatment of those conditions specified in this subsection. The self-consent in the case of pregnancy, venereal disease, and drug and substance abuse also obliges the health professional, if he accepts the responsibility for treatment, to counsel the minor by himself or by referral to another health professional for counseling; or

(4) A minor who needs emergency care, including transfusions, without which his health will be jeopardized. The parent, parents, or legal guardian shall be informed as soon as practical except in conditions mentioned in subsections (1), (2), (3), or (4) of this section; or

(5) A minor who has had a child may give effective consent to health service for his child; or

(6) A minor may give consent for health care for his spouse if his spouse is unable to give consent by reason of physical or mental incapacity."

Section 2. Section 69-6102, R.C.M. 1947, is amended to read as follows:

"69-6102. Divulgence of information by physician. (1) A treating physician or other health professional, may, but shall not be obligated to, inform the spouse, parent, custodian or guardian of any such minor in the circumstances as enumerated in section 69-6101, of any treatment given or needed when:

(a) in the judgment of the health professional severe complications are present or anticipated; or

(b) major surgery or prolonged hospitalization is needed; or

(c) failure to inform the parent, parents, or legal guardian would seriously jeopardize the safety and health of the minor patient, younger siblings, or the public; or

(d) to inform them would benefit the minor's physical and mental health and family harmony; or

(e) the hospital desires a third party commitment to pay for services rendered or to be rendered.

(2) Notification or disclosure to the spouse, parent, parents, or legal guardian by the health professional shall not constitute libel or slander, a violation of the right of privacy, a violation of the rule of privileged communication or any other legal basis of liability. When the minor is found not to be pregnant, or not afflicted with venereal disease, or not suffering from a drug or substance abuse, including alcohol, then no information with respect to any appointment, examination, test, or other health procedure shall be given to the parent, parents, or legal guardian, if they have not been already informed as permitted in this act, without the consent of the minor."

Section 3. Section 69-6103, R.C.M. 1947, is amended to read as follows:

"69-6103. Financial responsibility of a consenting minor. *Consent of the minor shall not be subject to later disaffirmance or revocation because of minority. The spouse, parent, parents, or legal guardian of a consenting minor shall not be liable for payment for such service unless the spouse, parent, parents, or legal guardian have expressly agreed to pay for such care. The minor so consenting for such health services shall thereby assume financial responsibility for the cost of said services except those who are proven unable to pay and who receive the services in public institutions. If the minor is covered by health insurance, payment may be applied for services rendered."*

Section 4. Section 69-6104, R.C.M. 1947, is amended to read as follows:

"69-6104. Emergencies and special situations when consent requirements differ. *(1) Any health professional may render or attempt to render emergency service or first aid, medical, surgical, dental, or psychiatric treatment without compensation to any injured person or any person regardless of age who is in need of immediate health care when, in good faith, the professional believes that the giving of aid is the only alternative to probable death or serious physical or mental damage.*

(2) Any health professional may render nonemergency services to minors for conditions which will endanger the health or life of the minor if services would be delayed by obtaining consent from spouse, parent, parents, or legal guardian.

(3) No consent shall be required of any minor who does not possess the mental capacity or who has a physical disability which renders him incapable of giving his consent and who has no known relatives or legal guardians if a physician determines the health service should be given.

(4) Self-consent of minors shall not apply to sterilization or abortion."

Section 5. Section 69-6105, R.C.M. 1947, is amended to read as follows:

"69-6105. Immunity and responsibility of hospital, public clinic or physician. *(1) No physician, surgeon, dentist, health or mental health care facility may be compelled to treat a minor on his own consent against their best judgment.*

(2) Nothing contained in this section shall be construed to relieve any physician, surgeon, dentist, health or mental health care facility from liability for negligence in the diagnosis and treatment rendered such minor."

Section 6. There is a new section to be numbered 69-6105.1, R.C.M. 1947, which reads as follows:

69-6105.1. Health professional defined. Health professional as used in this act shall include only those persons licensed in Montana as physicians, psychiatrists, psychologists or dentists.

Approved March 26, 1974

CHAPTER NO. 313

AN ACT TO AMEND SECTIONS 59-1609 AND 59-1610, R.C.M. 1947